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09/752,401	12/28/2000	Kenji Yoshioka	14183	9520

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EXAMINER

NGUYEN, DAVID Q

ART UNIT PAPER NUMBER

2681

DATE MAILED: 10/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/752,401

Applicant(s)

KENJI YOSHIOKA

Examiner

David Q Nguyen

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 08/02/04 have been fully considered but they are not persuasive.

In response to applicant's Remarks, on pages 11-12, applicants argue: "Kraft does not disclose or suggest that the schedule of the utilization environment includes the place of information, and that this utilization environment is registered in the schedule management device. Therefore, Kraft does not disclose or suggest a utilization environment registration section configured to register and to refer to a utilization environment schedule for each time zone of the user, as *inter alia*, required by independent claims 1 and 14, nor a utilization environment registration step for registration in a schedule management device of and reference to a utilization environment schedule containing a utilization environment for each time zone of said user, as *inter alia*, required by independent claims 6 and 10.

Examiner respectfully disagrees because Kraft clearly discloses the schedule of the utilization environment includes the place of information, and that this utilization environment is registered in the schedule management device; and a utilization environment registration step for registration in a schedule management device of and reference to a utilization environment schedule containing a utilization environment for each time zone of said user (see col. 4, lines 10 to 57, table 2 and table 3). Therefore, Kraft discloses these limitations required by the independent claims 1,6,10 and 14.

Art Unit: 2681

Applicants also argue on pages 11-12: "Kraft does not disclose or suggest notification using a display, as *inter alia*, required by claims 3,4,8,9,13, and 14. Nor does Kraft disclose or suggest notification using an arbitrary combination means, including a display, as further *inter alia*, required by claims 3,4,8,9,13, and 14".

Examiner respectfully disagrees because "at least one of ..." appears in the claims 3,4,8,9,13, and 14. Therefore, one of Kraft's functions can be used to reject the claims 3,4,8,9,13, and 14. Moreover, it is well known in the art that caller ID is used in portable telephone.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Kraft et al. (US Patent Number 6463278).

Regarding claims 1, 6 and 10, Kraft et al disclose a schedule management device, method and a computer readable memory recording a schedule management program to control the computer for execution of schedule management characterized, said schedule management program comprising: one or more call receiving notification means to notify the user that a call from outside is received (see col. 4, lines 3-10), a utilization environment registration means for registration in a schedule management device of and reference to the utilization environment

Art Unit: 2681

schedule containing a utilization environment for each time zone of said user (see col. 4, lines 46-57 and table 3), a call receiving operation registration means to set each of said utilization environments registered to said utilization environment registration means corresponding to one of said call receiving notification means (see col. 3, lines 38-47), and a call receiving notification execution means which, upon receipt of any call from outside, refers to the current utilization environment of said user registered to said utilization environment registration means and notifies the user of the call received using said call receiving notification means corresponding to the current utilization environment set in said call receiving operation registration means (see col. 3, lines 38-56).

Regarding claims 2,7 and 11, Kraft et al also disclose wherein said utilization environment registration means registers each said utilization environment of said utilization environment schedule based on a place information indicating where said user is in each of the time zones and said call receiving operation registration means sets every piece of said place information corresponding to one of said call receiving notification means (see abstract and col. 3 line 38 to col. 4, line 67).

Regarding claims 3,8 and 12, Kraft et al also disclose wherein said call receiving notification means comprises notification means to notify the call received by at least one of a sounding operation, a vibration operation, a lighting operation, a display operation, and an arbitrary combination of these operation (see col. 2, lines 57 to col. 4, line 67).

Regarding claims 4,9 and 13, Kraft et al also disclose wherein said utilization environment registration means registers said utilization environment schedule by the place information indicating where said user is in each of the time zones; said call receiving operation

Art Unit: 2681

registration means sets every piece of said place information corresponding to one of said call receiving notification means; said call receiving notification means comprises notification means to notify the call receiving by at least one of a sounding operation, a vibration operation, a lighting operation, a display operation or arbitrary combination of these operation (see col. 2, lines 57 to col. 4, line 67).

Regarding claim 5, Kraft et al also disclose the device is a handy communication terminal provided with schedule management function (see abstract and col. 3 line 38 to col. 4, line 67).

Regarding claim 14, Kraft et al discloses a schedule management device comprising A schedule management device comprising:

at least one call receiving notification section configured to notify a user that a call from outside is received; a utilization environment registration section configured to register and to refer to a utilization environment schedule for each time zone of the user; a call receiving operation registration section configured to set each of the utilization environments registered to said utilization environment registration section corresponding to said call receiving notification section; and a call receiving notification execution section configured, upon receipt of the call from outside, to refer to the current utilization environment of the user registered to said utilization environment registration section and, using said call receiving notification section, to notify the user of the call received corresponding to the current utilization environment set in said call receiving operation registration section, wherein said utilization environment registration section registers the utilization environment schedule by the place information indicating where the user is in each of the time zones, said call receiving operation registration section sets every piece of the place information corresponding to said call receiving notification

Art Unit: 2681

section, and said call receiving notification section comprises a notification section to notify of the call received by at least one of a sounding operation, a vibration operation, a lighting operation, a display operation and an arbitrary combination of these operations (see explanation in claims 1-3).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q Nguyen whose telephone number is 703-605-4254. The examiner can normally be reached on 8:30AM-5:30PM.

Art Unit: 2681

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 703-308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DN

David Nguyen


DAVID HUDSPETH
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